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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 JEFFREY SHAWN HENDERSON, No. CIV S-04-1341-GEB-CMK-P

12 Petitioner,

13 vs.

ORDER

14 MIKE KNOWLES, Warden,

15 Respondent.  
16 \_\_\_\_\_/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of  
18 habeas corpus pursuant to 28 U.S.C. § 2254. On January 30, 2007, the court issued amended  
19 findings and recommendations.<sup>1</sup> In light of the Supreme Court's February 28, 2007, decision in  
20 Whorton v. Bockting, \_\_\_ U.S. \_\_\_ (Feb. 28, 2007), which overruled the Ninth Circuit's  
21 decision in Bockting v. Bayer, 399 F.3d 1010, as amended on denial of rehearing by 408 F.3d  
22 1127 (9th Cir. 2005), it is appropriate for the court to reconsider petitioner's hearsay claim.

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26 <sup>1</sup> The court's original findings and recommendations were amended to correct an error with respect to the applicability of harmless error analysis to petitioner's hearsay claim.

1 Therefore, the amended findings and recommendations are hereby vacated and further amended  
2 findings and recommendations will be issued separately.

3 IT IS SO ORDERED.

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5 DATED: March 2, 2007.

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8 **CRAIG M. KELLISON**  
9 UNITED STATES MAGISTRATE JUDGE  
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